

Applicants : Neil G. Cousins et al.
Appln. No. : 10/701,184
Page : 9

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 7. This sheet, which includes Fig. 7, replaces the original sheet including Fig. 7. In Fig. 7, the reference character 55 has been added.

Attachment: Replacement Sheet

Applicants : Neil G. Cousins et al.
Appln. No. : 10/701,184
Page : 10

REMARKS

Reconsideration of the application is respectfully requested.

Applicants have amended claims 2, 8, 14 and 19 to correct a minor antecedent basis matters noted during review of the pending claims. The scope of these claims is not believed to be affected by this amendment.

Applicants have added reference character 55 to Fig. 7, such that the drawings are now believed to comply with 37 C.F.R. §1.84(p)(5).

The specification has been amended as suggested by the Examiner.

In the Office Action dated July 27, 2004, claims 14-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman U.S. Patent No. 4,216,640; claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaufman '640 in view of Benhamou et al. U.S. Patent No. 5,452,566; and claims 1, 10 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Benhamou '566. Applicants submit that the pending claims are allowable for those reasons set forth in more detail below.

As an initial matter, Applicants note that, according to MPEP 2143, a *prima facie* case of obviousness requires three basic criteria, the third listed criteria being that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Independent claims 1, 10 and 14 of the present invention each recite an electrically powered actuator. None of the cited references disclose such a feature, such that the rejection of these claims is believed to be improper for this reason alone.

Applicants further note that "A statement that modifications of the prior art to meet the claimed invention would have been '"well within the ordinary skill of the art at the time the

Applicants : Neil G. Cousins et al.
Appln. No. : 10/701,184
Page : 11

claimed invention was made" because the reference relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references.

Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)." And "When an examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed on the record." *See In re Lee*, 277 F.3d 1338, 1345, 61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002). *See also In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). If grippers for wrapping machines having an electrically powered actuator are, in fact, well known in the art, the Examiner could easily cite one such reference.

Applicants submit that an electrically powered actuator is not merely a simple replacement for pneumatic cylinders such as the air cylinders 88A and 88B of Kaufman '640. Electrical actuators have different operating characteristics than pneumatic actuators, and the cited references do not teach or suggest a way to provide a proper gripping force, or provide any reason whatsoever to provide an electrical actuator. Substantial modification of the cited references would be required to provide an electrical actuator, the references themselves do not teach or suggest such modification.

Applicants have reviewed Benhamou '566, and find no teaching or suggestion in this patent to provide an electrically powered actuator. Accordingly, the pending claims are believed to be allowable over Benhamou '566 for substantially the same reasons as set forth above with respect to Kaufman '640.

Dependent claims 2-9, 11-13 and 15-20 are believed to be allowable for those reasons set forth above with respect to independent claims 1, 10 and 14, respectively.

Applicants : Neil G. Cousins et al.
Appln. No. : 10/701,184
Page : 12

Furthermore, with respect to claims 2 and 15, the cited references do not disclose a resilient member that transmits force from a linearly movable member of an electrically powered actuator to a gripping member.

Applicants have made a concerted effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,
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